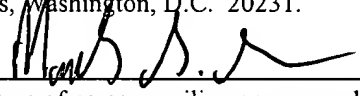


PATENT
ATTORNEY DOCKET NO. 50015/013001

Certificate of Mailing	
Date of Deposit: <u>July 24, 2001</u>	Label Number: <u>EL509049319US</u>
I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as " Express Mail Post Office to Addressee " with sufficient postage on the date indicated above and is addressed to: BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.	
<u>Marcellus G. Green</u>	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lee L. Rubin et al.	Art Unit:	Not Yet Assigned
Serial No.:	09/355,004	Examiner:	Not Yet Assigned
Filed:	July 21, 1999	Customer No:	21559
Title:	In Vivo Apoptosis Screening		

BOX PCT
Assistant Commissioner of Patents
Washington, DC 20231

DECLARATION OF SUSAN M. MICHAUD

I, Susan M. Michaud, declare as follows:

I am an employee of the law firm of Clark & Elbing LLP, and an appointed attorney in the above-captioned patent application (see the enclosed Combined Declaration and Power of Attorney).

I first became aware of the abandonment of the application after May 30, 2000, after receipt by my office on May 30, 2000 of a Notification of Abandonment, which was mailed from the Patent Office on May 26, 2000.

Unknown to me, on March 1, 2000, the above-captioned patent application was abandoned for failure of applicants to respond to a Notification of Missing Requirements that, according to the Notification of Abandonment, was mailed on September 1, 1999, within the time period set therein. Neither I nor any other employee of the law firm Clark & Elbing ever received the Notification of Missing Requirements from the Patent Office. From September 1, 1999 (and before) to the present, all mail sent from the Patent Office to any attorney or patent agent at Clark & Elbing is opened, date stamped, logged, and docketed centrally before it is sent to the attorney or patent agent. A review of Clark & Elbing's computerized docketing records from July 21, 1999 to the present indicates that the Notification of Missing Requirements was never received at Clark & Elbing.

In support of this Declaration and the accompanying Petition, enclosed are copies of relevant docket records. In particular, the Notification of Missing Requirements was, according to Patent Office records, mailed on September 1, 1999, and applicants were given a one month period for replying to the Notification. Thus, the docket records of applicants' attorneys for October 1, 1999 are enclosed. The serial number for each matter in the docket is indicated in the second column from the right side of the page, which is entitled "Application No/Filing Date." A review of this column shows that the serial number of the present application, 09/355,004, is not present in the column. Also, the attorney docket number for this case, 50015/013001, is not found in the column of the docket in which such information, if present, would appear (fourth column from the left, entitled "Matter Number"). Thus, the docket of applicants' attorneys supports their submission that the Notification of Missing Requirements for this case was not received

by them.

Enclosed are copies of what applicants had believed to be the Missing Requirements for this case: a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.497(a) and (b) and payment of the surcharge required by 37 C.F.R. § 1.497(e). The original copies of these documents were submitted on January 31, 2001. Applicants thus request that the Notification of Abandonment in this case be withdrawn.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: July 20, 2001

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21559

PATENT TRADEMARK OFFICE

50015.013001 Renewed Petition to Withdraw Abandonment Attorney's Declaration.wpd